

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN KEVRANIAN, and TAMMY ZAPATA,
individually and on behalf of those similarly
situated,

Plaintiffs,

v.

YAHOO! INC., a Delaware Corporation, and
DOES 1-10, inclusive.

Defendants.

Case No.: 13-CV-4547-LHK

ORDER RELATING CASES
PURSUANT TO CIVIL LOCAL RULE
3-12

This Order concerns four motions to relate various cases to *Kevranian and Zapata v. Yahoo! Inc.*, Case No. 13-CV-4547-LHK (“Kevranian Case”). According to Civil Local Rule 3-12(a), “[a]n action is related to another when: (1) The actions concern substantially the same parties, property, transaction or event; and (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” For the reasons stated herein, the Court GRANTS each motion to relate.

The Court first sets forth the relevant motions and responses. *Yahoo! Inc.* has filed a motion to relate both *Zalaya v. Yahoo! Inc.*, Case No. 13-CV-4619-LHK (“Zelaya Case”), and *Nobles v. Yahoo! Inc.*, Case No. 13-CV-4989-DMR (“Nobles Case”), to the Kevranian Case. ECF No. 17 (“Yahoo! Motion”), Case No. 13-CV-4547-LHK. No oppositions were filed in response to this

1 motion. Plaintiffs in *Holland, et al., v. Yahoo!*, Case No. 13-CV-4980-HRL (“Holland Case”) have
 2 filed a statement in support of the Yahoo! Motion, and have also requested that the Court relate the
 3 Holland Case to the Kevranian Case. ECF No. 18. No oppositions were filed in response to this
 4 motion. The plaintiff in *Pincus v. Yahoo, Inc.*, Case No. 13-CV-05326 –HRL (“Pincus Case”)
 5 filed a motion to relate the Pincus Case to the Kevranian Case. ECF No. 20. No oppositions were
 6 filed in response to this motion. Finally, the plaintiff in *Abrams v. Yahoo! Inc.*, Case No. 13-CV-
 7 05338-PSG (“Abrams Case”) filed a motion to relate the Abrams Case to the Kevranian Case. ECF
 8 No. 24. No oppositions were filed in response to this motion.

9 The Court GRANTS all of the motions to relate referenced above because all of the actions
 10 involve the same defendant, *Yahoo!*, and involve substantially the same basic allegations. Based on
 11 the pleadings, these cases all arise from Yahoo!’s alleged use of Plaintiffs’ and class members’
 12 private and confidential email communications. Plaintiffs in each case allege that Yahoo!’s
 13 interception, storage, reading and scanning of email violates Plaintiffs’ and other consumers’ rights
 14 of privacy. Each case will require the Court to determine the same or similar questions of law and
 15 fact including whether Yahoo!’s conduct violates California’s Invasion of Privacy Act (Cal. Penal
 16 Code §§ 630, *et seq.*) and the Electronic Communications Privacy Act (18 U.S.C. §§ 2510, *et seq.*),
 17 and if so, what remedies Plaintiffs and class members should receive. Further, all of the Plaintiffs
 18 filed their cases as proposed class actions under Federal Rule of Civil Procedure 23 on behalf of
 19 identical or substantially overlapping classes.

20 Given the substantial similarity in the claims brought in these cases and the alleged conduct
 21 underlying the claims, the Court finds that “[t]he actions concern substantially the same parties,
 22 property, transaction or event.” Civil Local Rule 3-12(a). Further, the Court finds that there “will
 23 be an unduly burdensome duplication of labor and expense or conflicting results if the cases are
 24 conducted before different Judges.” *Id.*

25 Accordingly, the Court GRANTS all of the motions to relate. The Zalaya Case, Nobles
 26 Case, Pincus Case, Abrams Case, and Holland Case are hereby related to the Kevranian Case for
 27 all future proceedings.
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1 **IT IS SO ORDERED.**

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3 Dated: December 18, 2013


LUCY H. KOH
United States District Judge

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United States District Court
For the Northern District of California